

SENATE BILL No. 547

DIGEST OF INTRODUCED BILL

Citations Affected: IC 35-38-5-5.

Synopsis: Expungement of criminal records. Establishes a procedure to restrict access to limited criminal history information concerning a person's nonviolent convictions if the person has not been convicted in the previous four years.

Effective: July 1, 2009.

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January 15, 2009, read first time and referred to Committee on Corrections, Criminal, and Civil Matters.

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First Regular Session 116th General Assembly (2009)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2008 Regular Session of the General Assembly.

SENATE BILL No. 547

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 35-38-5-5, AS AMENDED BY P.L.2-2005,
2 SECTION 124, IS AMENDED TO READ AS FOLLOWS
3 [EFFECTIVE JULY 1, 2009]: Sec. 5. (a) This section does not apply
4 to a request to a law enforcement agency for the release or inspection
5 of a limited criminal history to a noncriminal justice organization or
6 individual whenever the subject of the request is described in
7 IC 10-13-3-27(a)(8) or IC 10-13-3-27(a)(12).

8 **(b) As used in this section, "conviction for a violent crime"**
9 **means a conviction:**

10 **(1) for a sex offense (as defined in IC 11-8-8-4.5);**

11 **(2) for an offense in which the victim suffered bodily injury,**
12 **serious bodily injury, or death; or**

13 **(3) for an offense that involved the use of a firearm.**

14 **The term includes a conviction for an attempted offense or**
15 **conspiracy to commit an offense.**

16 **(c) A person may petition the state police department to limit**
17 **access to the person's limited criminal history to criminal justice**



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agencies if more than fifteen (15) years have elapsed since the date the person was discharged from probation, imprisonment, or parole (whichever is later) for the last conviction for a crime.

(d) A person who does not have a conviction for:

(A) a crime more serious than a Class D felony; or

(B) a violent crime;

may petition the state police department to limit access to the person's limited criminal history to criminal justice agencies if more than four (4) years have elapsed since the date the person was discharged from probation, imprisonment, or parole (whichever is later) for the person's last conviction for a crime.

~~(c)~~ (e) Except as provided under subsection (f) or (g), when a petition is filed under subsection ~~(b)~~, (c) or (d), the state police department shall not release limited criminal history to noncriminal justice agencies under IC 10-13-3-27.

(f) If the state police department has restricted access to a person's limited criminal history under subsection (d) and the person is subsequently convicted of any crime other than a minor traffic offense:

(1) the state police department shall reopen access to the person's limited criminal history; and

(2) the person is permanently barred from filing an additional petition under subsection (d) to limit access to the person's limited criminal history.

(g) If:

(1) the state police department has restricted access to a person's limited criminal history under this section;

(2) the person is subsequently arrested or charged with a crime; and

(3) there is no disposition for the arrest or charge;

the state police department may release limited criminal history information concerning the arrest or charge if less than one (1) year has elapsed since the date of the arrest or charge.

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